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See Purpose
Only

Claims 1-28 are pending in this application.

Restriction Requirement

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-16, drawn to compositions comprising zinc oxide, fat soluble vitamins, antibacterial agent, antifungal agent and an effective amount of calcium channel blocker, classified in various subclasses in classes 424 and 514, depending on the chemical structure of the components.
- II. Claims 17-28, drawn to method of healing wounds by contacting a wound to be healed with a therapeutic composition comprising an effective amount of at least two fat soluble vitamins admixed with zinc oxide and a calcium channel blocker, classified in various subclasses in classes 424 and 514, depending on the chemical structure of the components.

The inventions are distinct, each from the other because:

Inventions of Group I and Group II are related as product and process of use.

The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process of using that product, such as for example in providing nutritional supplements.

Further, the search and examination of the entire application would place an undue burden on the examiner if the restriction were not required. The components utilized in this application are very broad and the proper search for this application is quite demanding due to the breadth of the active components. Therefore, to additionally search and examine a divergent and distinct concept such as a specific method of utilizing the composition from amongst myriad conceivable uses possible therefor would place a serious burden on the Examiner.

Consequently, for the reasons of distinctness and undue burden the restriction requirement is deemed to be proper.

Telephonic Restriction Requirement and Applicant's Election

During a telephone conversation with Mr. Keaty on 3/17/05 (and confirmed on 3/31/05) an election was made without traverse to prosecute the invention of Group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action.

Fee Authorization

Additional fee (for claims in excess of 20) is required in order to make an examiner's amendment which places this application in condition for allowance. During telephone conversations conducted on 3/31/05 and 4/28/05, Mr. Keaty authorized the Director to charge **Deposit Account No. 11-0260** the required fee of **\$100** for the

additional claims (four more than previously paid for) and authorized the following examiner's amendment¹. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment

Amendments to the Claims

Cancel the non-elected claims 17-28.

Rewrite claim 2 as shown below.

Claim 2. (Currently amended) The composition of claim 1, wherein said calcium channel blocker is 3,5-pyridinedicarboxylic acid, 1,4-dihydro-2,6-dimethyl-4-(2-nitrophenyl)-dimethyl ester, which has the chemical formula of $C_{17}H_{18}N_2O_6$.

Amend claims 7 and 16 as follows².

Claim 7, line 3: delete "nimorazoel" and insert --- nimorazole --- .

Claim 7, line 4: delete "hentamycin," .

Claim 7, last line: delete "clindamycin, chloramphicol" and insert
--- chloramphenicol --- .

¹ Applicant already paid for 28 claims. Upon the entry of the Examiner's Amendment, there will be 32 claims pending and allowed. Hence, a fee for four additional claims must be paid. As a small entity, the fee is $4 \times \$25 = \100 .

² Claim 7 contains a misspelling for nimorazole and recites clindamycin twice. Claim 7 also contains a misspelling for chloramphenicol (note the correct spelling in claim 6, last line).


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